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EXAMINER	
PATEL, SHAMBHAVI K	

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2128	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,292	BOSSHART ET AL.	
	Examiner	Art Unit	
	Shambhavi Patel	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-13 and 16-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 11-13 and 16-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendments/Remarks submitted 21 May 2007.

2. Claims 1-9, 11-13 and 16-24 are pending. Claims 10 and 14-15 have been cancelled. Claims 16-24 are newly added.

Response to Arguments

3. In view of Applicant's amendments, the 35 U.S.C. 101 rejection is withdrawn.

4. Applicant's arguments filed 21 May 2007 have been fully considered but they are not persuasive. Applicant submits that the selections described by Garcia are dependent on previous selections, and accordingly, Garcia does not disclose "multiple independent indices." The Examiner notes that "multiple independent indices" is interpreted in light of **paragraph [0034] of the specification**, which states "A discipline index, a function index and a specification index are provided with. Theses indices take in principle independent values..." Thus, the term "independent indices" appears to refer to indices that take in values that are independent of the other values. In the prior art, the indices, while dependent on the type of plant that is to be constructed, are independent of each other (discipline **[0025] different types of facilities**), a function (**[0033] transformer, switch gear** and a technical specification of the pre-engineered part within the facility **([0042] voltage).** The three values taken in are not restricted by the other values. Thus, they are multiple, independent indices.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1-9, 11-13 and 16-24 are rejected under 35 U.S.C. 102(b)** as being clearly anticipated by **Garcia (US Pub. 2002/0042696).**

Regarding claims 1 and 11:

Garcia discloses a system for computer-aided tendering of a projected power supply facility **(abstract)**, comprising:

a. a processor **(figure 1)**

b. a module library stored in a computer-readable medium including a plurality of modules representing pre-engineered parts that may be included in the facility **(figure 6; [0035])** , said plurality of modules being categorized using a multiple-index categorization system having multiple independent indices accessible by one or more operators who project the facility (discipline **[0025] different types of facilities)**, a function **([0033] transformer, switch gear** and a technical specification of the pre-engineered part within the facility **([0042] voltage)**, and having standardized software interfaces **([0012] graphical user interface)**

c. a program stored in a computer-readable medium that **(figure 3 AutoCAD application 5100)**, when executed by the processor, is operable to

i. retrieve modules from the module library **(figure 3 5101 5113)**

ii. generate tendering information for the facility based on information associated with the retrieved modules **(figure 3 5111 5109)**

Regarding **claim 11**, Garcia further discloses an operator to run the application routines **([0012]).** An interface for the modules would inherently be included.

Regarding claims 2 and 12:

Garcia discloses the system recited in claim 1, wherein

a. the plurality of independent indices include, at least, a discipline index, an function index, and a technical specification index of the pre-engineered parts with the facility **([0025] different types of facilities)**, a function **([0033] transformer, switch gear)** and a technical specification of the pre-engineered part within the facility **([0042] voltage)**

b. the program is further operable to search the plurality of modules in the library based on the plurality of independent searching indices **([0037]-[0039] AutoCAD program)**.

Regarding **claim 12, Garcia** further discloses a name and preview **(figure 6).**

Regarding claim 3:

Garcia discloses the system as claimed in claim 1, wherein the plurality of modules include core modules, which comprise sub-modules and/or articles **([0044]-[0045])**, and as black-box modules **([0048])**, which are freely definable from a user interface or are predetermined by a supplier.

Regarding claim 4:

Garcia discloses the system as claimed in claim 3, wherein

a. the core modules are associated with cost information by including a bill of quantity including a number of occurrences of article-numbers sub-modules containing article-numbers, and cost information about the articles is stored in an article database **([0050])**, and

b. the black-box modules are associated cost information by assigning the cost immediately, integrally or subpart-wise, to the black-box modules **([0050])**.

Regarding claim 5:

Garcia discloses the system recited in claim 1, wherein the plurality of modules include

a. rigid modules, which are unchangeable from a user interface **([0042] stations are preprogrammed)**

b. parameterized modules, which have a parameter of parameter set that is changeable for said user interface **([0033] three different top-ratings of transformers)**.

c. wherein core modules include a sub-module having at least one parameter that is changeable from a bill of quantity from which the sub-module can be called **([0033] three different top-ratings of transformers)**.

Regarding claim 6:

Garcia discloses the system as claimed in claim 1, wherein

a. the program includes application routines comprise routines operable to perform one or more of automatic cost calculation **([0050])**, for tender text accumulation, for technical data accumulation, and in practical, for drawing accumulation **([0047], [0049])** and/or

b. the plurality of modules are associated with a standardized module-descriptor characterizing a respective one of the plurality of modules and providing a standardized interface to the application routines for delivering the module information to the applications routines. An interface for the modules would inherently be included.

Regarding claim 7:

Garcia discloses the system as claimed in claim 6, wherein the standardized module descriptor includes at least one of a bill of quantity and prices of articles **([0050])**, technical data **([0042] voltage)**, a tender text, and 3D drawing **([0049])**.

Regarding claim 8:

Garcia discloses the system of claim 1 wherein the plurality of modules are associated with rules defining boundaries corresponding to physical boundaries of a component of the facility **([0045])**.

Regarding claim 9:

Garcia discloses the system of claim 1, further comprising

a. a module library and software tools for defining and/or importing new modules using the categorization system **(figure 1 126 macros, symbols)** and

b. project area including a computer-readable memory for storing the retrieved modules for projecting and tendering purposes **(figure 1 126 AutoCAD Application, Menu)**

Regarding claim 13:

Garcia discloses the method of claim 11 wherein upon downloading a module into a project the module is assigned a model type, number **(figure 6)**, and/or the module is automatically detached from the library and related cost information is automatically copied from an article database into the project and can be changed by an operator **([0050])**.

Regarding claim 16:

Garcia discloses a computer-readable medium containing instructions that, when executed by a processor, perform steps for computer-aided tendering of a projected power supply facility, comprising

a. searching a module library **([0037]-[0039] AutoCAD program)**., said module library including a plurality of modules representing pre-engineered parts that may be included in the facility, the modules being categorized using a plurality of independent indices

b. retrieving modules from the module library (discipline **[0025] different types of facilities)**, a function **([0033] transformer, switch gear** and a technical specification of the pre-engineered part within the facility **([0042] voltage)**

c. generating tendering information for the facility based on the information associated with the retrieved modules **(figure 3 5111 5109)**.

Regarding claim 17:

Garcia discloses the computer-readable medium of claim 16, wherein the step of selecting modules includes searching modules in the library based on the plurality of independent indices using a module browser having a user-interface for categorizing and searching modules in the library **([0012] graphical user interface)**, the plurality of indices including a discipline, a function, and a technical specification of the pre-engineered parts within the facility (discipline **[0025] different types of facilities)**, a function **([0033] transformer, switch gear** and a technical specification of the pre-engineered part within the facility **([0042] voltage)**

Regarding claim 18:

Garcia discloses the computer-readable medium of claim 16, wherein the plurality of modules include

a. core modules, which comprise sub-modules and/or articles **([0044]-[0045])** and

b. black box modules, which are freely definable from a user interface or are predetermined by a supplier **([0048])**

Regarding claim 19:

Garcia discloses the computer-readable medium of claim 18, wherein the plurality of modules include

a. core modules are associated with cost information by means of a bill of quantity including one ore more of a number of occurrences of article-numbers, and sub-modules containing article-numbers, and cost information about the articles is available from an article database **([0050])**, and
b. black-box modules are associated with cost information by assigning the cost immediately, in particular integrally or sub-part wiles, to the black-box modules themselves **([0050])**.

Regarding claim 20:

Garcia discloses the computer-readable medium of claim 16, wherein the plurality of modules include

a. parameterized modules having at least one parameter that is changeable **([0033] three different top-ratings of transformers)**
b. parameterized core modules including a sub-module having at least one parameter that is changeable from a bill of quantity from which the sub-module can be called **([0033] three different top-ratings of transformers)**

Regarding claim 21:

Garcia discloses the computer-readable medium of claim 16, the step of generating includes performing one or more sub-steps including automatic cost calculation **([0050])**, tender text accumulation, technical data accumulation, and drawing accumulation **([0047], [0049])**.

Regarding claim 22:

Garcia discloses the computer-readable medium of claim 16, wherein the plurality of modules are associated with a standardized module-descriptions characterizing a respective one of the plurality of modules and providing a standardized interface. An interface for the modules would inherently be included.

Regarding claim 23:

Garcia discloses the computer readable medium of claim 21, wherein the standardized module-descriptor includes at least one of a bill of quantity and prices of articles or sub-modules **([0050])**, technical data **([0042] voltage)**, tender text (contains a scope of supply, a description of sub-modules, or articles of the module, and/or technical manuals of articles), and drawings **([0049])**.

Regarding claim 24:

Garcia discloses the computer-readable medium of claim 16, wherein the plurality of modules are associated with rules defining boundaries corresponding to physical boundaries of a component of the facility **([0045])**.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Examiner's Remarks:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shambhavi Patel whose telephone number is (571) 272-5877. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKP

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